

Effective 5/10/2016

49-11-613.5 Limitation of actions -- Cause of action.

- (1) Subject to the procedures provided in Section 49-11-613 and except as provided in Subsection (3), an action regarding a benefit, right, obligation, or employment right brought under this title may be commenced only within four years of the date that the cause of action accrues.
- (2)
 - (a) A cause of action accrues under this title and the limitation period in this section runs from the date when the aggrieved party became aware, or through the exercise of reasonable diligence should have become aware, of the facts giving rise to the cause of action, including when:
 - (i) a benefit, right, or employment right is or should have been granted;
 - (ii) a payment is or should have been made; or
 - (iii) an obligation is or should have been performed.
 - (b) If a claim involves a retirement service credit issue under this title:
 - (i) a cause of action specifically accrues at the time the requisite retirement contributions relating to that retirement service credit are paid or should have been paid to the office; and
 - (ii) the person is deemed to be on notice of the payment or nonpayment of those retirement contributions.
- (3) If an aggrieved party fails to discover the facts giving rise to the cause of action due to misrepresentation, fraud, intentional nondisclosure, or other affirmative steps to conceal the cause of action, a limitation period prescribed in this section does not begin to run until the aggrieved party actually discovers the existence of the cause of action.
- (4) The person claiming a benefit, right, obligation, or employment right arising under this title has the burden of bringing the action within the period prescribed in this section.
- (5) Nothing in this section relieves a member, retiree, participant, alternative payee, covered individual, employer, participating employer, or covered employer of the obligations under this title.
- (6) The office is not required to bring a claim on behalf of a member, retiree, participant, alternative payee, covered individual, employer, participating employer, or covered employer.
- (7)
 - (a) A limitation period provided in this section does not apply to actions for which a specific limit is otherwise specified in this title or by contract, including master policies or other insurance contracts.
 - (b) For actions arising under this title, this section supersedes any applicable limitation period provided in Title 78B, Chapter 2, Statutes of Limitations.

Enacted by Chapter 251, 2016 General Session